

D. G. SWEIGERT, C/O, MAILBOX, PMB 13339  
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[Spoliation-notice@mailbox.org](mailto:Spoliation-notice@mailbox.org)

February 22, 2025

*Sweigert v. Goodman, 23-cv-05875-JGK-VF*

U.S. District Judge Honorable John G. Koeltl  
U.S. District Court for the Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007  
Via ECF filing

SUBJ: Pre-motion letter for FRCP Rule 56 Motion for Summary judgement

Dear Judge Koeltl,

1. Apparently to capitalize on the national hysteria concerning U.S. government fraud, waste and abuse, purportedly discovered by Elon Musk (@elonmusk) and the U.S. Department of Government Efficiency<sup>1</sup> (@DoGE), the Defendant has distributed on X.com a podcast with the supposed evidence-based claim that the *pro se* Plaintiff is working for the U.S. National Institute of Health (N.I.H.) on a “Misinformation” contract grant for a \$500,000 payment.

2. Said X.com podcast was apparently calculated to have the *pro se* Plaintiff suffer the ire of outraged citizens disgusted with U.S. government fraud, waste and abuse as uncovered by the DoGE and Mr. Musk (podcast has been viewed by more than 5,300 individuals on X.com as of this writing which has caused great emotional angst for the *pro se* Plaintiff).

3. The said 2/20/2025 podcast ([https://x.com/JG\\_CSTT/status/1892590297298649090](https://x.com/JG_CSTT/status/1892590297298649090)<sup>2</sup>), for which no “newsworthy privilege” immunity is afforded, represents the latest example of an invasion of privacy of the *pro se* Plaintiff which constitutes a gross violation of New York Civil Rights Law (NYCRL) §§ 50 – 51 by the Defendant.

4. For the purposes of profit, the so-called fact statement of the 2/20/2025 X.com podcast unequivocally claimed that the *pro se* Plaintiff was paid \$500,000 dollars by the N.I.H. to harass the Defendant, **Exhibit One**. The *pro se* Plaintiff’s persona and image showcase the podcast, but have “no relationship” with the fictionalized story of an N.I.H. \$500,000 payment to Sweigert for services on a misinformation contract, etc. The fact statement:

“Do people remember the time I discovered evidence that @RealGeorgeWebb1's mentally ill, wife swapping, paperclip Nazi brother was paid over \$500,000 by @NIH to cyberstalk, harass and endlessly sue me? He should be investigated and prosecuted. @RobertKennedyJr. @DOGE @elonmusk” [emphasis added] (**Exhibit One**)

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<sup>1</sup> <https://www.doge.gov/>

<sup>2</sup> Memorialized in the Plaintiff’s Declaration ECF doc. 241

5. Simply stated, fictionalized news accounts such as this, incur liability upon the publisher as an invasion of privacy as they do not qualify for the newsworthy exemption afforded by NYCL §§ 50 – 51, as clearly stated in an Opinion by Hon. Valerie E. Caproni (6/30/2021), which is herein cited<sup>3</sup> and concurrently submitted as a Request for Judicial Notice (not directly attached as to avoid this letter becoming an unwieldy document).

6. Quoting Judge Caproni:

“Pursuant to New York law, false and damaging use of a plaintiff’s likeness (here, the wrappers) to illustrate newsworthy content (here, allegedly the video podcasts) does not fall under the newsworthy exception when there is no relationship between the likeness and the associated content. See *Messenger*, 94 N.Y.2d at 446 (citing *Finger v. Omni Publ’ns Int’l, Ltd.*, 77 N.Y.2d 138 (1990); *Arrington v. N.Y. Times Co.*, 55 N.Y.2d 433 (1982); *Murray v. N.Y. Mag. Co.*, 27 N.Y.2d 406 (1971)). Pursuant to a separate line of cases, “substantially fictional works” that are “nothing more than attempts to trade on the persona” and are “infected with fiction, dramatization or embellishment” also do not fall under the newsworthy privilege. See *Messenger*, 94 N.Y.2d at 446 (citing *Spahn v. Julian Messner, Inc.*, 18 N.Y.2d 324, vacated, 387 U.S. 239, adhered to on remand, 21 N.Y.2d 124 (1967); *Binns v. Vitagraph Co. of Am.*, 210 N.Y. 51, 53 (1913)).” [emphases added]

*Sweigert v. Goodman*, 18-CV-8653 (VEC), 13 (S.D.N.Y. Jun. 30, 2021)

7. To illustrate the issue of “no relationship”, the Defendant’s latest podcast contains two main fictionalized claims relevant to this discussion: (1) that the *pro se* Plaintiff David Sweigert works for the N.I.H. (Defendant at podcast time mark 8:53) and (2) that Sweigert is executing a contract associated with Misinformation for N.I.H. (podcast time mark 9:07).

*N.I.H. employment of the pro se Plaintiff is a Fiction*

8. The Defendant’s X.com podcast displays a N.I.H. phone directory at time mark 8:56 with the organizational listing “Director of Planning, Analysis, and Information Management DPAIM”), and displays “Dave Sweigert”, apparently an individual who works in the Center for Scientific Review (C.S.R.), which the *pro se* Plaintiff has nothing to do with (“no relationship”) and knows nothing about. **Exhibit Two.** The N.I.H. “Dave Sweigert” apparently works with the CSR DPAIM Team, something the *pro se* Plaintiff knows nothing about and has no association with, **Exhibit Three.**

*A \$500,000 payment to the pro se Plaintiff by N.I.H. is a Fiction*

9. At time mark 9:07, of said podcast, the Defendant displays an N.I.H. web page depicting a grant contract, **Exhibit Four.** This contract is known as grant RFA-MD-22-008<sup>4</sup>, entitled *Understanding and Addressing Misinformation among Populations that Experience Health*

<sup>3</sup> *Sweigert v. Goodman*, 18-CV-8653 (VEC) (S.D.N.Y. Jun. 30, 2021)

<sup>4</sup> See [https://www.nimhd.nih.gov/docs/taw\\_misinfo\\_RFA-MD-22-008\\_220506.pdf](https://www.nimhd.nih.gov/docs/taw_misinfo_RFA-MD-22-008_220506.pdf)

*Disparities*, issued by the National Institute on Minority Health and Health Disparities (NIMHD), National Cancer Institute (NCI), **Exhibit Five**. This grant contract has nothing to do with the *pro se* Plaintiff (“no relationship”). The execution of this contract is under the authority of the University of California at San Francisco (UCSF), as shown in **Exhibit Six**. The *pro se* Plaintiff has nothing to do with UCSF in any way, shape or form.

*Tip of the Ice Berg*

10. These are representative “tip of the ice berg” undisputed facts which the Defendant cannot overcome. When these facts are coupled with the issue of no newsworthy exception immunity this legal action appears ripe of a motion pursuant to F.R.C.P. Rule 56, Summary Judgment.

11. In light of the Defendant’s troublesome non-compliance with the F.R.C.P. Rules governing discovery (see ECF doc 238, Plaintiff’s Motion to Compel), and his attempt to leverage the national hysteria associated with fraud, waste and abuse against Sweigert, the *pro se* Plaintiff requests to dispense with the discovery stage and to fully brief the Court pursuant to F.R.C.P. Rule 56 on a schedule to be determined. The *pro se* Plaintiff requests 60 (sixty) days to prepare such a Motion for Summary Judgment.

12. In accordance with III. B of your Individual Rules of Practice, dated Feb. 14, 2025, the *pro se* Plaintiff looks forward in anticipation to an appropriate conference and/or briefing schedule in the interest of judicial economy and public policy.

Respectfully, Signed 02/22/2025



**D. G. SWEIGERT PRO SE PLAINTIFF**

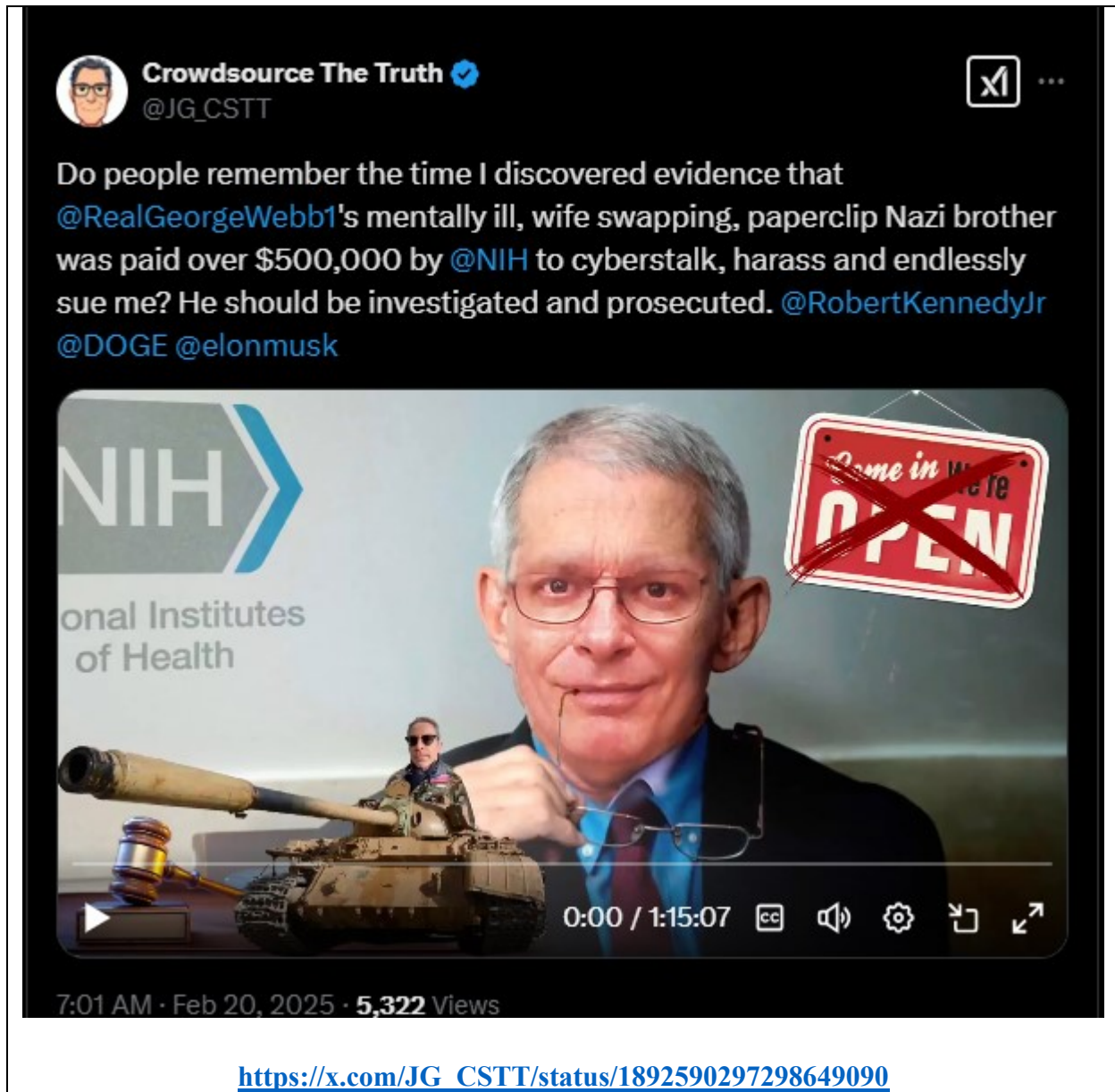
**CERTIFICATE OF SERVICE**

Hereby certified under penalties of perjury that a true copy of this pleading has been e-mailed to Defendant Jason Goodman at [jason@21stcentury3d.com](mailto:jason@21stcentury3d.com) and [<truth@crowdsourcethetruth.org>](mailto:truth@crowdsourcethetruth.org)

Respectfully, Signed this 02/22/2025



EXHIBIT ONE



## EXHIBIT TWO

U.S. Department of Health & Human Services

**NIH** Center for Scientific Review

## Strengthening Peer Review through Training

March 27, 2023

Miriam Mintzer, Ph.D.  
Director, CSR Office of Training and Development

[https://public.csr.nih.gov/sites/default/files/2023-03/Miriam\\_Mintzer\\_Training\\_Mar\\_2023\\_CSRAC.pdf](https://public.csr.nih.gov/sites/default/files/2023-03/Miriam_Mintzer_Training_Mar_2023_CSRAC.pdf)

### Who makes the training possible?

**Office of Training and Development**



**Christina Johnson**  
Program Analyst



**Vanessa Boyce, Ph.D.**  
New SRO Education and Development Coordinator



**Natalia Komissarova, Ph.D.**  
SRO Continuing Education and Development Coordinator



**Tatiana Cohen, Ph.D.**  
SRO Systems Training Coordinator



**Benjamin Shapero, Ph.D.**  
SRO Handbook and Policy Coordinator

**Training development groups (Chiefs/SROs)**

**New SRO Training:** Dolores Arjona Mayor, Laura Asnaghi, Sulagna Banerjee, Adem Can, David Chang, Tami Kingsbury, Jordan Moore, Angela Thrasher, Carmen Ufret-Vincenty, Wenjuan Wang

**Continuing Education:** Aruna Behera, Jessica Bellinger, Rebecca Burgess, Margaret Chandler, Martha Faraday, Heidi Friedman, Will Greenberg, Linda MacArthur, Pat Manos, Bidyottam Mittra, Kristen Prentice, Ken Ryan, Suzanne Ryan, Brian Scott, Denise Wiesch

**Reviewer Training:** Abu Abdullah, Aruna Behera, Pablo Blazquez Gamez, Gene Carstea, Thomas Cho, Emily Foley, Lauren Fordyce, Heidi Friedman, Pam Jeter, Sharon Low, Karobi Moitra, Kristen Prentice, Joonil Seog, Lisa Steele, Afia Sultana, Sarah Vidal

**Policy & Practice Resources:** Cristina Backman, Aurea de Sousa, Kate Fothergill, Steven Frenk, Pam Jeter, John Laity, Srikanth Ranganathan, Joonil Seog, Ian Thorpe, Guoqin Yu

**Division of Planning, Analysis and Information Management**

Shawn Cook, Rich Hibner, Rashid Shah, Dave Schweigert, Khalid Ullah, Leo Wu, Lin Yang, Chen Zhang

**Survey development/analysis**



**Hope Cummings, Ph.D.**  
Senior Social Science Analyst

**Just joined Office! Admin staff training**



**Maya Jones**  
Training Team Lead

Jennifer Peddicord, Lori Stoller-Cruz, Ishrat Uddin



**Verzhiniya Tancheva**  
Training Manager

100+ CSR staff for training implementation!

**NIH** Center for Scientific Review

(25)

**Johnson**  
Program  
Analyst


**Boyer, T.M.**  
New SRO  
Education and  
Development  
Coordinator

**McIntosh, T.M.**  
SRO Continuing  
Education and  
Development  
Coordinator

**SRI**  
↑  
Co

**Division of Planning, Analysis  
and Information Management**

**Shawn Cook, Rich Hibner, Rashid Shah,  
Dave Sweigert, Khalid Ullah, Leo Wu,  
Lin Yang, Chen Zhang**

  
**Maya Jones**  
Training Team  
Lead

**Just joined Office**


**Jennifer Peddicord, Lori  
Stoller-Cruz, Ishrat Uddin**

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## EXHIBIT THREE

U.S. Department of Health & Human Services



Center for  
Scientific Review



### Review Integrity Training for Reviewers: Preliminary Results from CSR

Miriam Mintzer, Director, CSR Office of Training and Development  
Review Policy Committee  
January 18, 2023

[https://public.csr.nih.gov/sites/default/files/2023-02/Review%20Integrity%20Training\\_RPC\\_1\\_18\\_23.pdf](https://public.csr.nih.gov/sites/default/files/2023-02/Review%20Integrity%20Training_RPC_1_18_23.pdf)


### Thanks to...

**Reviewer Training Coordinator**

Tanya Cohen


**Reviewer Training Committee**

Abu Abdullah  
Aruna Behera  
Pablo Blazquez Gamez  
Thomas Cho  
Lauren Fordyce  
Pamela Jeter  
Sharon Low  
Karobi Moitra  
Kristen Prentice  
Joonil Seog  
Afia Sultana  
Sarah Vidal



**CSR DPAIM Development Team**

Maya Jones  
John Brougher  
Shawn Cook  
Michael Burke  
Rebecca Dow  
Dave Sweigert




**Data Analysis**

Hope Cummings  
Christina Johnson


**CSRAC Working Group**

Scott Miller  
Tonya Palermo

**Actors**

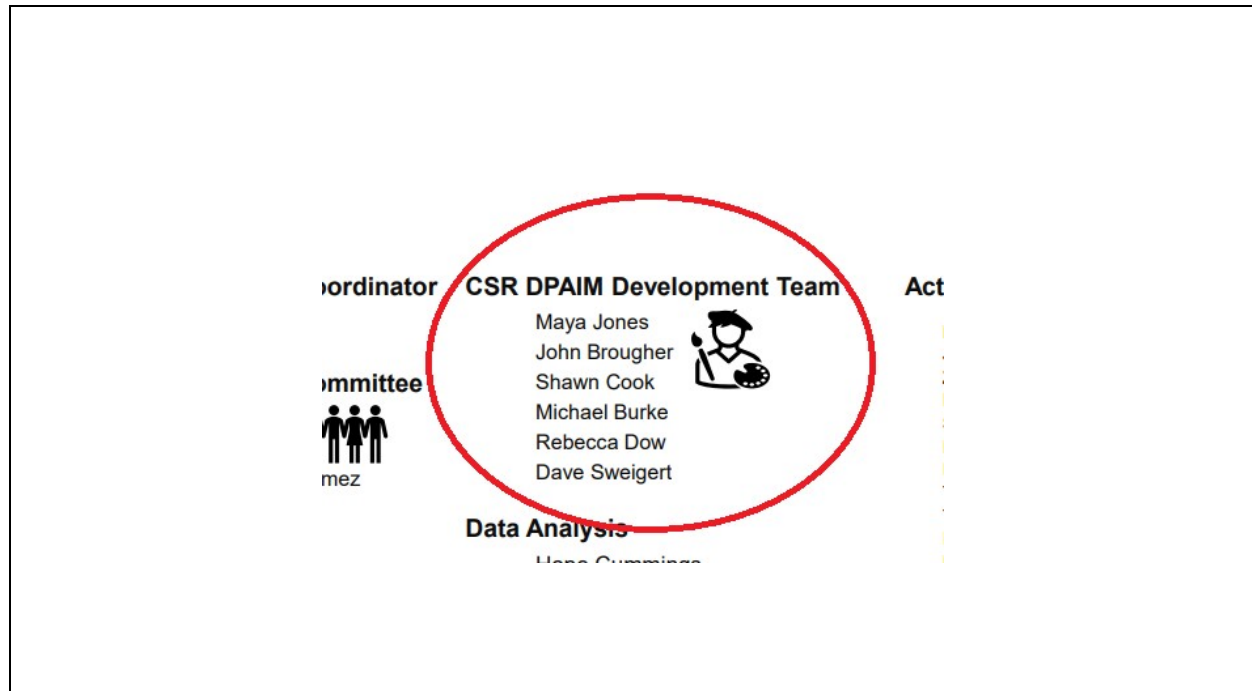


Mollie Manier  
John Brougher  
Zarana Patel  
Brittany Mason-Mah  
Sharon Isern  
Lola Arjona  
Pablo Blazquez Gamez  
Tailman Boyd  
Thomas Cho  
Hope Cummings  
Kevin Czaplinski  
Blair Gosnell  
Jennifer Greenhill  
Steve Johnson  
John Laity  
Eleni Liapi  
Nicholas Moore  
Joonil Seog  
Ali Sharma  
Joanna Szczepanik  
Sudha Veeraraghavan  
Victoriya Volkova



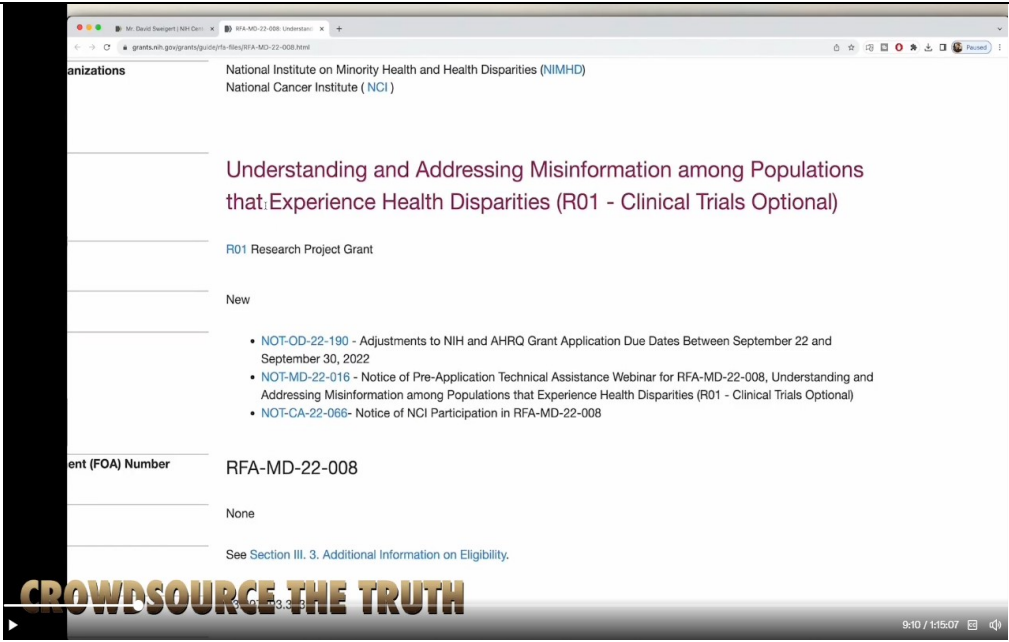
Center for  
Scientific Review

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## EXHIBIT FOUR



Organizations

National Institute on Minority Health and Health Disparities (NIMHD)  
National Cancer Institute (NCI)

Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)

R01 Research Project Grant

New

- NOT-OD-22-190 - Adjustments to NIH and AHRQ Grant Application Due Dates Between September 22 and September 30, 2022
- NOT-MD-22-016 - Notice of Pre-Application Technical Assistance Webinar for RFA-MD-22-008, Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)
- NOT-CA-22-066 - Notice of NCI Participation in RFA-MD-22-008

ent (FOA) Number

RFA-MD-22-008

None

See Section III. 3. Additional Information on Eligibility.

**CROWDSOURCE THE TRUTH**

[https://x.com/JG\\_CSTT/status/1892590297298649090](https://x.com/JG_CSTT/status/1892590297298649090)

**EXHIBIT FIVE**

**This notice has expired. Check the NIH Guide for active opportunities and notices.**

**Department of Health and Human Services**

**Part 1. Overview Information**

<b>Participating Organization(s)</b>	National Institutes of Health (NIH)
<b>Components of Participating Organizations</b>	National Institute on Minority Health and Health Disparities (NIMHD) National Cancer Institute (NCI)
<b>Funding Opportunity Title</b>	Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)
<b>Activity Code</b>	R01 Research Project Grant
<b>Announcement Type</b>	New
<b>Related Notices</b>	<ul style="list-style-type: none"> <li>• NOT-OD-22-190 - Adjustments to NIH and AHRQ Grant Application Due Dates Between September 22 and September 30, 2022</li> <li>• NOT-MD-22-016 - Notice of Pre-Application Technical Assistance Webinar for RFA-MD-22-008, Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)</li> <li>• NOT-CA-22-066- Notice of NCI Participation in RFA-MD-22-008</li> </ul>

**<https://grants.nih.gov/grants/guide/rfa-files/RFA-MD-22-008.html>**

## EXHIBIT SIX

The screenshot displays the UCSF Office of Research COVID-Related Research website. The header includes the UCSF logo and navigation links for 'About UCSF', 'Search UCSF', and 'UCSF Health'. A search bar is located in the top right. The main navigation menu lists 'Projects', 'Funding', 'Resources', 'Collaboration', 'Guidelines & Policies', 'Publications', 'TaskForce', and 'Login'. The page title is 'RFA-MD-22-008 Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)'. Below the title, it states 'Application Due Dates: May 31, 2022 and November 13, 2022.' and 'Funder: NIH Multiple ICs – check FOA for full list'. A paragraph describes the purpose of the initiative: 'The purpose of this initiative is to support research that seeks to (1) understand the underlying mechanisms and (2) test interventions to address and mitigate the impact of health-related misinformation and disinformation on health disparities and the populations that experience health disparities'. At the bottom, there are two buttons: 'LEARN MORE' and 'CONTACT OSR TO APPLY'. A 'Suggestion Box' is also visible on the right side of the page.

UCSF University of California San Francisco

About UCSF Search UCSF UCSF Health

Office of Research  
COVID-Related  
Research

Search... Q

Projects Funding Resources Collaboration Guidelines & Policies Publications TaskForce Login

Home > RFA-MD-22-008 Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)

### RFA-MD-22-008 Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)

Application Due Dates: May 31, 2022 and November 13, 2022.

Funder: NIH Multiple ICs – check FOA for full list

The purpose of this initiative is to support research that seeks to (1) understand the underlying mechanisms and (2) test interventions to address and mitigate the impact of health-related misinformation and disinformation on health disparities and the populations that experience health disparities

LEARN MORE CONTACT OSR TO APPLY

**Suggestion Box**

Do you have suggestions or feedback? Please [contact us](#) with your ideas.

<https://covidresearch.ucsf.edu/funding/rfa-md-22-008-understanding-and-addressing-misinformation-among-populations-experience>